

To: David Nawi [david_nawi@ios.doi.gov]
Cc: CN=Stephanie Skophammer/OU=R9/O=USEPA/C=US@EPA;CN=Tim Vendlinski/OU=R9/O=USEPA/C=US@EPA[]; N=Tim Vendlinski/OU=R9/O=USEPA/C=US@EPA[]
Bcc: CN=Sam Ziegler/OU=R9/O=USEPA/C=US[]
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Wed 1/23/2013 7:21:29 PM
Subject: Re: EPA - NEPA for the BDCP

Yes, I did. Talked to both Stephanie and the water division managers. And my prediction was correct.

We're looking at two different functions for EPA. First, we have a mandatory duty under CAA 309 to review and comment on other agencies' NEPA documents. That is Stephanie's job. Given the 12,000 or so pages involved, Stephanie will be very busy with that task.

We also, as here, sometimes get asked to be a cooperating agency on a NEPA document. This is completely independent of our "309 review." Occasionally, but rarely, the action agency will ask us as a cooperating agency to prepare or take responsibility for a section of the NEPA document where we have special expertise. That is a major resource commitment by EPA, and usually includes some kind of funded positions from the action agency funds (think DWR funding the Corps). Those more intense cooperating agency roles are usually hashed out early in the NEPA process, including identifying the EPA division with expertise and arranging mechanisms for assuring that EPA has editorial control over the sections for which we are "responsible" (and an elevation procedure for differences with the lead agencies or its consultants).

We simply haven't gone down that path in this process.

Further, given the "interesting" relationship between the federal action agencies, the state action agencies, the project proponents, and the consultants in this project, I doubt that we would be able to negotiate a more involved EPA relationship for editing part of the BDCP document, at least in a time frame that would help, rather than hurt, your schedule.

All of this is not to say that we haven't been looking at your materials. As you know, we have provided comments on a number of the incomplete drafts, and will expand on those comments as we review the DEIS. If you wish, I can pull together those EPA comments in one file, so that you are aware of concerns we have raised over the years.

Looking forward to this moving along.....

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From: David Nawi <david_nawi@ios.doi.gov>
To: Tom Hagler/R9/USEPA/US@EPA,
Date: 01/23/2013 10:54 AM
Subject: EPA - NEPA

Hi Tom – Did you connect with Stephanie after we spoke last week? Did you come to agreement with her on any role EPA could play in DEIS review?

David